

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MARSHA WINBUSH,
Plaintiff

vs

MICHAEL J. ASTRUE,
Commissioner of Social Security,
Defendant

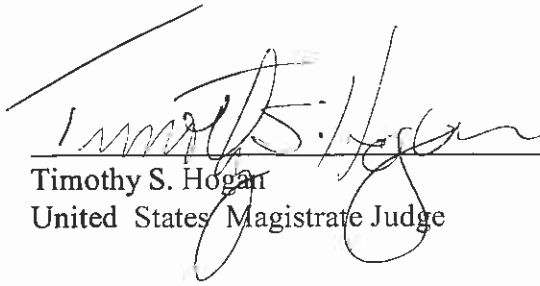
Case No. C-1-09-215
(Dlott, J.)
(Hogan, M.J.)

REPORT AND RECOMMENDATION

This is a Social Security disability benefits appeal for which Plaintiff proceeds with the assistance of counsel. Now before the Court is the parties' Joint Stipulation for Remand pursuant to sentence four, 42 U.S.C. §405(g). (Doc. 17). For good cause shown, the Court **ORDERS** that the ALJ's non-disability finding be **REVERSED**; and this case **REMANDED** to the Commissioner under sentence four. *See generally Melkonyan v. Sullivan*, 501 U.S. 89, 100 (1991). The parties stipulate that, upon remand, the Administrative Law Judge will attempt to obtain treatment records from Dr. Dillinger, obtain updated or additional medical evidence as available. The ALJ will also, if necessary, further evaluate Plaintiff's residual functional capacity and, if warranted, obtain the testimony from a vocational expert. As no further issues remain pending for resolution, the Court **ALSO RECOMMENDS** that this case be **TERMINATED UPON THE DOCKET**.

Date:

12/28/09


Timothy S. Hogan
United States Magistrate Judge

NOTICE TO THE PARTIES REGARDING THE FILING OF OBJECTIONS TO THIS R&R

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten (10) days after being served with this Report and Recommendation. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to thirteen (13) days (excluding intervening Saturdays, Sundays, and legal holidays) in the event this Report is served by mail, and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within ten (10) days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).